

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35471

STATE OF IDAHO,)	2009 Unpublished Opinion No. 427
)	
Plaintiff-Respondent,)	Filed: April 17, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
VICTOR JOHN WOLF,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Timothy Hansen, District Judge.

Order denying I.C.R. 35 motion for reduction of sentences, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, PERRY, Judge
and GRATTON, Judge

PER CURIAM

Victor John Wolf pled guilty to robbery, I.C. §§ 18-6501, 18-6502, and unlawful possession of a firearm, I.C. § 18-3316. In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Wolf to a unified term of twenty years, with a minimum period of confinement of ten years, for robbery and a concurrent determinate term of five years for unlawful possession of a firearm. Wolf filed an I.C.R. 35 motion, which the district court denied. Wolf appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of

new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Wolf's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Wolf's Rule 35 motion is affirmed.